

Docket No.: 293102003600
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Suresh K. TIKOO

Application No.: 10/622,869

Confirmation No.: 2929

Filed: July 18, 2003

Art Unit: 1648

For: PAV REGIONS FOR ENCAPSIDATION AND
E1 TRANSCRIPTIONAL CONTROL

Examiner: S. Chen

**RESPONSE TO RESTRICTION REQUIREMENT AND
STATEMENT OF THE SUBSTANCE OF INTERVIEW**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed September 6, 2007 (Paper No. 20070830), which sets forth a Restriction Requirement for pending claims 1-64 and for which a response is due on October 6, 2007. Filed herewith is a Petition and a fee for a one (1) month extension of time, thereby extending the deadline for response up to and including November 6, 2007. Accordingly, this response is timely filed.

The Examiner has required restriction to one of the following inventions as required under 35 U.S.C. § 121:

I. Claims 2, 6, 9 and 15, drawn to a motif comprising AAATT, classified in class 536, subclass 23.1.

II. Claims 2, 6, 9 and 15, drawn to a motif comprising ATTT, classified in class 536, subclass 23.1.

III. Claims 2, 6, 9 and 15, drawn to a motif comprising TATT, classified in class 536, subclass 23.1.

IV. Claims 2, 6, 9 and 15, drawn to a motif comprising TATTTTT, classified in class 536, subclass 23.1.

V. Claims 2, 6, 9 and 15, drawn to a motif comprising TATATA, classified in class 536, subclass 23.1.

VI. Claims 2, 6, 9 and 15, drawn to a motif comprising TTTT, classified in class 536, subclass 23.1.

VII. Claims 3, 7, 10 and 16, drawn to a motif comprising TATTTT, classified in class 536, subclass 23.1.

VIII. Claims 3, 7, 10 and 16, drawn to a motif comprising ATATT, classified in class 536, subclass 23.1.

IX. Claims 3, 7, 10 and 16, drawn to a motif comprising TTTA, classified in 536, subclass 23.1.

X. Claims 3, 7, 10 and 16, drawn to a motif comprising AAATTTA, classified in class 536, subclass 23.1.

XI. Claims 3, 7, 10 and 16, drawn to a motif comprising ATTTTT, classified in class 536, subclass 23.1.

XII. Claims 3, 7, 10 and 16, drawn to a motif comprising TATTATT, classified in class 536, subclass 23.1.

XIII-XXIV. Claims 40-41, drawn to a method of eliciting an immune response, classified in class 435, subclass 5. Each of Groups XIII-XXIV represents one of the twelve (12) encapsidation sequences listed in claim 11.

XXV. Claims 42-54 and 58, drawn to a recombinant porcine adenovirus vector comprising a deletion and/or addition of part or all of one or more E1 transcriptional control region, classified in class 435, subclass 320.1.

XXVI. Claim 55, drawn to a method of eliciting an immune response using a recombinant porcine adenovirus vector comprising a deletion and/or addition of part or all of one or more E1 transcriptional control region, classified in class 435, subclass 5.

XXVII. Claims 59-64, drawn to a method for preparing a porcine adenovirus, classified class 435, subclass 69.1.

Applicants hereby elect Group IV without traverse.

STATEMENT OF THE SUBSTANCE OF INTERVIEW

In addition to responding to the restriction requirement, Applicants are including the substance of the August 27, 2007 interview herewith. Applicant's representative wishes to thank Examiner Chen for her time and efforts in discussing past and present restriction requirements. During the teleconference on August 27, 2007, Applicant's representative discussed the now-vacated restriction requirement and the format of the present restriction requirement that set forth linking claims. Specifically, claim 1 is a linking claim that linked inventions 1-12 with each

invention representing a motif listed in claim 1. The remaining claims that follow the format of claim 1 will be treated in the same manner.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 293102003600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 6, 2007

Respectfully submitted,

Electronic signature: /Terri Shieh-Newton/
Terri Shieh-Newton
Registration No.: 47,081
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5777